IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1380 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHAILALBHAI M PARMAR & 1 - Petitioner(s)

Versus

STANDARD RADIOTERS PVT LTD & 1 - Respondent(s)

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Appearance :

NOTICE NOT RECD BACK for Petitioner(s) : 1 - 2.MR RD RAVAL for Petitioner(s) : 1,PARTY-IN-PERSON for Petitioner(s) : 2, NANAVATI & NANAVATI for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 13/01/2006

CAV JUDGMENT

1.By filing this petition under Article 227 of the Constitution of India, the petitioner – workman has challenged the judgment and award passed by the

Presiding Officer, Labour Court, Vadodara dated 11.9.1990 in Reference (LCV) No.59 of 1982, by which the Labour Court was pleased to dismiss the reference made by the petitioner – workman.

2. Having heard the learned advocates for the parties and having perused the material placed on record, it appears from the record that this Court has admitted this matter as back as on 6.3.1991 and no stay as prayed for by the petitioner is granted. Thereafter, the matter has been adjourned from time to time.

3. It can be noticed from the record that the dispute was raised by the petitioner – workman that his services were wrongfully terminated on 14.11.1981 and so far as this aspect is concerned, the Labour Court has found that the same is imaginary and having no factual basis. While appreciating the evidence on record, the Labour Court has found that the services of the petitioner – workman were not terminated on 14.11.1981 and, therefore, when it is found that the dispute raised by the petitioner – workman is not in existence, the only option open for the Labour Court was to dismiss the reference. It is also required to be noted that during the pendency of reference before the Labour court, the petitioner – workman was gainfully employed on better wages elsewhere i.e., in Century Steel Balls Private

Ltd., Baroda as permanent Helper during the period between 1.5.1982 and 27.10.1985 and upon perusal of pages 22 and 47, it becomes crystal clear that the petitioner – workman was working with the Century Steel Balls Private Ltd., on and from 1.5.1982.

4. Considering the facts and circumstances of the case, I am of the considered opinion that no error, much less, the jurisdictional error has been committed by the Labour Court while passing the impugned award and further the decision rendered by the Labour Court is based on the finding of fact which cannot be disturbed in a writ petition under Article 227 of the Constitution of India.

5. In this view of the matter, I do not find any substance in this petition and, therefore, the same is required to be dismissed. In the result, this petition fails and the same is dismissed. Rule is discharged. No costs.

(SHARAD D DAVE, J)

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